

Ovčara case
Trial for the war crimes against the war prisoners
War Crimes Chamber of the District Court in Belgrade, Serbia
Number of case: K.V. br.1/2003

Trial Chamber: Vesko Krstajić (the presiding judge), Gordana Božilović-Petrović (judge) and Vinka Beraha-Nikićević (judge).

Prosecutor: Deputy War Crimes Prosecutor Dušan Knežević.

Defendants: Miroljub Vujović, Stanko Vujanović, Jovica Perić, Ivan Atanasijević, Predrag Madžarac and Milan Vojnović, Serbs from Croatia.

Report: Nataša Kandić and Dragoljub Todorović, victims representatives

23 November 2004

At the beginning of his testimony, witness **Borčo Karanfilov**, an active officer of the Army of Serbia and Montenegro with the rank of colonel, said that in the fall of 1991 he was an officer in the Security Service of the YNA Guards brigade, with the rank of captain. At the time of fighting in Vukovar he was in charge of the operations of the checkpoint in Negoslavci, as well as of counter-intelligence protection of the command headquarters. In his words, on the day of the negotiations concerning the surrender of the Mitnica group, he was given the task of providing physical security of Pavković's group which took part in the negotiations. "After the surrender, they were put in a hangar until the next day when they were handed over to Sremska Mitrovica". After that, he was engaged in the taking over and the transport of Marin Vidić Bili to Negoslavci and after that he was engaged in the transport of equipment from the shelter of the command headquarters in Vukovar to Belgrade. When the presiding judge told him that Dragan Vezmarović had stated that the witness had ordered him to leave the new group of prisoners which had arrived at Ovčara to the members of TD, the witness said: "Illogical." Witness Karanfilov then added that somebody must have given Vezmarović the order to provide security and that it was this somebody who could have rescinded the order. On the other hand, in the words of witness Karanfilov, on the day Vezmarović was talking about, he was in charge of receiving and guarding Marin Vidić Bili. The witness pointed out that he had not been in the position to issue orders to the commander of a company of military police as the orders could have been issued only by the commanding officers of the units in question. The presiding judge presented the witness with a part of the statement of the protected witness who, at that time, was the courier of captain Radić, wherein it is stated that on that particular evening when the crime at Ovčara was committed, he had seen there Karanfilov who had come with Vukašinović, Šljivančanin's deputy, and that Vukašinović had quarreled with the members of TD and with volunteers. However, witness Karanfilov insisted on his claim that on this day, from the time he took over the guarding of Marin Vidić Bili to the following morning, he was engaged in providing security for that person and added that on the previous evening all the officers were at Ovčara. Then the witness pointed out that he had learned about the crime at Ovčara only several years later. Asked to explain a part of his statement given to the investigative judge of the Military Court where he was speaking about the buses, the crowds and his belief that the members of TD wanted to take over the people from the buses, the witness said that all this had happened on the day Marin Vidić was taken over inside the perimeters of the barracks. In his words, there were several buses with civilians inside the perimeters of the barracks, with many civilians around them who were protesting. Upon his return to Negoslavci, he informed Lukić, the barracks commander, and major Šljivančanin about the behavior of the people around the buses. The witness then said that those people around the buses were cursing, insulting and almost came in contact with the military policemen who were guarding the buses and who barred

them from approaching the buses. Witness Karanfilov pointed out that there were more than three buses inside the perimeters of the barracks and stressed that he had informed major Šljivančanin on the situation in the barracks because "it was unusual for a group to confront the members of the military police who were around the bus".

At the beginning of his testimony, witness **Jan Marček** stated that, following the order issued by the Personnel Directorate of the Federal Secretariat for National Defense, he was assigned to a temporary position of the commanding officer of a Light Artillery Rocket Division (LARD). He pointed out that he had had problems with his family name which was often confused with the family name Merčep. In his unit he was the only active soldier, all others were reservists. In his words, he moved with his unit to Ovčara on 18 November 1991. Upon arrival at Ovčara, he stationed his command headquarters in the "yellow house" and the remaining groups in the nearby facilities. In his words, the group captured at Mitnica was staying at Ovčara on the night between 18 and 19 November. This group of prisoners, which was transported to Serbia in the morning of 19 November, was guarded by a company of the 80th motorized brigade. In his words, on 19 and 20 November, at Ovčara, there was a convoy of buses with women, children and the elderly. In Marček's words, he was called by Vojinović and three representatives of the European Community as the people did not want to leave the buses and go into the hangar. After prolonged negotiations, around 8 o'clock in the morning, on 20 November 1991, the convoy started accompanied by the members of the 80th motorized brigade and international observers. Around 14:00 hours, on 20 November 1991, when he returned from his round of the unit, the witness saw buses at Ovčara. His guards informed him that lieutenant colonel Vojinović and the prisoners were there. He went there and stood between 100 and 150 meters from the hangar. He saw the prisoners leave the buses with two military policemen in each of them and the volunteers taking their things and calling their names. In his words, on the left-hand side there stood YNA guards officers while the commander, Vojinović, was trying with his body to protect the people. On a low hill he saw lieutenant colonel Milorad Panić. Besides, he saw the double rows of armed people who were beating the prisoners going through the rows, using bats and hands, slapping them. He did not go there as he did not belong there, but he thought that the officer would do what was necessary. He said that he had told Vojinović, having approached him, that the taking over of the prisoners was not conducted in accordance with the regulations. In his words, it was only later that a company of military police from the Kragujevac brigade came. After that, he left for a meeting and returned to the command headquarters around 18:00 hours. When he arrived to the command headquarters, he saw a big crowd in front of the hangar. He went there and approached commander Vojinović who asked him "to help him maintain order". The witness assigned two soldiers and a superior to help Vojinović, namely Vukašinović and Mirko Gavrilović, and the superior Jovan Novković. In the hangar, in his words, the prisoners were sitting or standing along the walls and the members of TD approached them and cursed them and some of them hit them. Marček pointed out that 20 military policemen were in the hangar, about 30 members of TD and a number of officers of the YNA. Guards brigade. In his words, Vezmarović tried to introduce some order and placed a rope, prisoners were moved to the right-hand side and the making of a list was begun. Witness Marček pointed out that the prisoners were interrogated by the members of TD and officers and then added that after 10 to 15 minutes, with Vojinović, he had left for his command headquarters where some officers and two members of TD wanted to intervene on behalf of a group of prisoners. In his opinion, this was in connection with the group which had been led out and transported to Velepromet. Between 21:00 and 22:00 hours, his soldiers returned to the command headquarters and informed him that the military police which was guarding the prisoners would withdraw and that the guarding of the prisoners would be left to Vukovar TD. He was surprised by the news so he went to see commander Vojinović in the command headquarters of the Kragujevac brigade in Negotlavci who confirmed the information. The witness said that he had warned Vojinović that the security of the prisoners was threatened and that his unit was in a very difficult situation. Since he found no sympathy for the position he was in, he insisted on an increase in the security of his command headquarters and did not want to go back until he was given soldiers to increase his security.

After an hour, the time he spent in Negoslavci, with four military policemen of the 80th motorized brigade from Kragujevac, he returned to his command headquarters. There he was informed that all of his soldiers had withdrawn from the hangar and returned to the command headquarters. He issued an order to his soldiers and the members of the military police who had come with him not to let anybody into the command headquarters. He did not go to the hangar after that. The witness then said that he had heard, during the night, sporadic volleys as well as the noise of a machine from the direction of Grabovo. In the morning, his security informed him that the prisoners had been taken somewhere and maybe "liquidated". In his words, he did not ask for confirmation of what had happened since nobody asked him to do so. After he had heard the news, he went to Negoslavci and demanded for his unit to be moved elsewhere. In the brigade headquarters he came upon "a conspiracy of silence" as nobody wanted to speak about what had happened at Ovčara. The witness Marček pointed out that, upon his return from Vukovar, he had psychic disturbances and that, in 1992, his disturbance was diagnosed as post-traumatic stress disturbance. The witness pointed out that he had been in front of the hangar for the first time together with Miladinović, from his unit. When he went there for the second time, he went in the company of two soldiers. After he was told that Mirko Gavrilović denied he had been sent to the hangar to assist with the making of the list of prisoners, witness Marček said that he had entered the hangar at 18:00 hours and that, behind the table, he had seen, he thought, Mirko Gavrilović, but he could not remember whether Mirko was standing or sitting. Then he went on to say that he thought that the list with the names of the prisoners, whose contents he did not examine, was brought to his command headquarters. In his words, he had ordered his deputy to deliver the paper to the command headquarters of the Kragujevac brigade in Negoslavci. The witness Marček confirmed that the part of the statement where he had said that he remembered "a striking man" he had noticed because of his height, his beard and the hat he had on his head. In his words, that man stood apart in the hangar and kept quiet, and the witness saw him again in Petrova Gora. He added that the person had a dangerous look. He pointed out that Mirko Gavrilović was assisted in his task of making a list of prisoners by Jovan Novković, and added that he did not order Novković to make a list although he might have suggested something. The witness Marček then explained that he had asked for protection like the one he had seen in the Hague because, for three years now, he had been speaking, giving the names, talking about the events.